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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN DIESEL”
 MARKETING, SALES PRACTICES, AND
 PRODUCTS LIABILITY LITIGATION

 This Document Relates to: Securities Actions

BRS v. Volkswagen AG, et al., Case No. 16-cv-
 3435 (“Bondholders Securities Action”)

)
) MDL No. 2672 CRB (JSC)
)
) **DEFENDANTS VOLKSWAGEN AG,**
) **VOLKSWAGEN GROUP OF AMERICA, INC.,**
) **VOLKSWAGEN GROUP OF AMERICA**
) **FINANCE LLC, MICHAEL HORN AND**
) **MARTIN WINTERKORN’S NOTICE OF**
) **MOTION AND MOTION TO DISQUALIFY**
) **PLAINTIFFS’ EXPERT DR. MICHAEL**
) **HARTZMARK AND EXCLUDE HIS**
) **TESTIMONY**

)
) Courtroom: 6
) The Honorable Charles R. Breyer
)
)
)
)

NOTICE OF MOTION AND MOTION

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, on April 17, 2020 at 10:00 a.m., or at such other time as the Court may direct or the parties may agree, Defendants Volkswagen AG, Volkswagen Group of America, Inc., Volkswagen Group of America Finance, LLC (collectively, "Volkswagen"), Martin Winterkorn, and Michael Horn (together with Volkswagen, "Defendants") will and hereby do move this Court to disqualify Plaintiff's putative expert economist, Dr. Michael Hartzmark, and to exclude his testimony. This Motion is made pursuant to the Court's inherent authority to disqualify experts, Federal Rules of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and is based on this Notice of Motion, the accompanying Memorandum of Law in Opposition To Plaintiff's Motion For Class Certification and in Support Of Excluding Plaintiff's Expert Testimony, the Declaration of Suhana S. Han, all pleadings and papers filed herein, and oral argument of counsel.

Dated: February 14, 2020

Respectfully submitted,

/s/ Robert J. Giuffra, Jr.

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ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: February 14, 2020

SULLIVAN & CROMWELL LLP

/s/ Laura Kabler Oswell

Laura Kabler Oswell